

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 SPR



Project Name: MEADOW POINT APARTMENTS

Case Number: PSR2008-00073; SEP2008-00103; EVR2009-00006

Location: 3801 NE 49th Street

Request: The applicant is proposing to develop 1.48 acres in an R-18 zoning district with a 25 unit apartment complex consisting of two buildings. The application also includes a modification to the County's road standards.

Applicant: Meadow Point/Vista Highlands LLC
c/o Integrity Structures LLC
800 Franklin, Suite 200
Vancouver, WA 98660
(360) 694-2552
Gabe@integritystructuresllc.com

Contact Person: Same as applicant

Property Owners: Meadow Point/Vista Highlands LLC Jason and Renee Duus
Integrity Structures LLC 25501 NE 74th Court
800 Franklin, Suite 200 Battle Ground, WA 98604
Vancouver, WA 98660

DECISION

Approve Subject to Conditions

Team Leader's Initials: ATG **Date Issued:** March 11, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Vicki Kirsher	4178	vicki.kirsher@clark.wa.gov
Engineer: (Trans. & Stormwater)	Ali Safayi	4102	ali.safayi@clark.wa.gov
Engineer: (Trans. Concurrency)	David Jardin	4354	david.jardin@clark.wa.gov
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Engineering Supervisor: (Trans. & Stormwater)	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency)	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Building Safety:	David Maret	4091	david.maret@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: UM (Urban Medium Density)

Parcel Number: Lot 82 (149785) located the Southwest quarter of Section 13; Township 2 North; Range 1 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Sections 40.200 (General Provisions); 40.220.020 (Residential and Office Residential Districts, R-18); 40.320.010 (Landscaping and Screening); 40.340.010 (Parking and Loading); 40.350.010 (Pedestrian/Bicycle Circulation Standards); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.360 (Solid Waste and Recycling); 40.370.010 (Sewer Regulations); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500 (Procedures); 40.510.020 (Type II Process); 40.520.040 (Site Plan Review); 40.550.010 (Road Modifications); 40.570 (SEPA); 40.610 and 40.620 (Impact Fees); and Title 15 (Fire Code).

Neighborhood Association/Contact:

Not located in an identified neighborhood association, but courtesy copy has been sent to:
Neighborhood Advisory Council of Clark County (NACCC)
Art Stubbs, Vice Chair
6804 NE 86th Court
Vancouver, WA 98662

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 22, 2008. The pre-application was determined to be contingently vested. However, a fully complete application was not submitted to the county with 180 days (November 25, 2008). The fully complete application was submitted on December 11, 2008 and determined to be fully complete on December 12, 2008. Given these facts the application is vested on December 11, 2008. There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on December 12, 2008 but was placed on hold for 12 days to allow staff an opportunity to review additional information. Therefore, the County Code requirement for issuing a decision within 78 days lapses on March 12, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on April 23, 2009.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Neighborhood Advisory Council of Clark County (note: this site is not located within the boundaries of a recognized neighborhood association), and property owners within 300 feet of the site on December 26, 2008.

Public Comments:

1. An email was received from Sue Green on January 5, 2009 [*Exhibit 5*]. In this written correspondence, Ms. Green had the following concerns and questions:
 - a. The driveway serving the development is less than 150 feet east of NE of 38th Avenue.

Staff Response:

See Transportation Finding 3 below for discussion on access to the development site.

- b. Will there be a 5-foot privacy fence around the development, or can there be a 10-foot fence to disguise the parking lot, trash/recycle area, and common area from property to the west?

Staff Response:

Although not specifically required by County code, the submitted landscape plan [Exhibit 9] proposes installation of a 6-foot solid, sight-obscuring fence along the west, south, and east property lines. To ensure the final landscape plan includes the fence, a condition to this effect will be placed (See Condition A-2-a). Furthermore, the exterior trash receptacle will also be enclosed by a 6-foot, sight obscuring wall or hedge (See Land Use Finding 10)

- c. Is the parking open or covered?

Staff Response:

There are no carports or garages being proposed as part of this development.

- d. Is there a half-street road improvement, sidewalk, gutter going in on NE 49th Street?

Staff Response:

NE 49th Street is an "Urban Neighborhood Circulator". The required associated frontage improvements include 27 feet of right-of-way, 18 feet of paved width, curb, gutter and sidewalk. As noted in Transportation Finding 2 below, the improvements shown on the preliminary plat meet these requirements.

- e. Will the storm water pond have fencing? If so, what is the standard?

Staff Response:

The Ordinance requires public stormwater facilities to be fenced, but is silent on such a requirement for private facilities. The stormwater facilities being proposed for this project will be privately owned and maintained (See Stormwater Finding 2). Even so, the applicant will be required to show at final engineering plan review what actions will be taken to ensure public safety which may include fencing.

2. On January 9, 2009, an email was received from Anita Bauman, 4900 NE 38th Avenue [Exhibit 12]. In looking at the plan included with the public notice [Exhibit 8], Ms. Bauman observed that plan shows 27 apartments rather than the 25 being requested. In addition, "the parking spaces are listed as 43 but if you count the ones in the drawing there are only 41."

Staff Response:

The applicant has submitted a revised preliminary plan [Exhibit 14] which corrects these errors.

Project Overview

The 1.48 acre parcel is located on the south side of NE 49th Street, directly across from its intersection with NE 38th Avenue. An existing residence is currently located on the property, and will be removed prior to construction of the apartment complex.

Previous preliminary plat approval was granted to divide the property into 15 single-family residential lots using provisions of the County's Townhouse Ordinance [PLD2006-00064]. At this time, the applicant is proposing to develop the property with a 25 unit apartment complex consisting of two buildings. There will be 17 two-bedroom apartment units and 8 three-bedroom units.

The site is located within the Vancouver School District, Fire District #5, and Park District #7.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Medium Density Residential	R-18	Single family residence
North	Urban Low Density Residential	R1-6	Single family residential subdivision
East	Urban Low Density Residential	R1-6	Single family residential
South	Urban Medium Density Residential	R-18	Multi-family development
West	Urban Medium Density Residential	R-18	Acreage homesite

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Zoning

The subject 1.48 acre parcel is situated within an R-18 zoning district. Pursuant to Table 40.220.020-1, "multifamily dwellings" are permitted subject to both site plan approval and special standards contained in CCC 40.260.150.

Finding 2 – Density Standards

Table 40.220.020-2 sets the density standards for the R-18 zone as 12 – 18 units per acre. The applicant is proposing 25 apartment units on the subject 1.48 acre parcel. Thus, the proposed density for this project is 17 dwelling units per acre which falls within the specified parameters. It should be noted that, as proposed, the development does not include living quarters in conjunction with the manager's office. To avoid confusion at the time of building permit issuance, a condition identifying this arrangement will be imposed (*See Condition E-1*).

Finding 3 – Setbacks

Per Table 40.220.020-3, the applicable setbacks are as follows:

Front:	20 feet
Interior Side:	10 feet
Rear:	20 feet

Based on scale, all structures on the revised preliminary site plan [*Exhibit 14, Sheet ST1.1*] meet the above setback requirements.

Finding 4 – Lot Coverage and Building Height

Maximum lot coverage in an R-18 zone is fifty percent (50%). According to the revised site plan [*Exhibit 14, Sheet ST1.1*], the building foot prints total 16,738 square feet. As a result, the lot coverage for this 1.48 acre parcel (64,381 square feet) is twenty-six percent (26%).

Maximum building height allowed in the zoning district is 35 feet. Based on a review of building elevations provided with the application materials [*Exhibit 11, Sheets A2.1 and A2.2*], height of both proposed structures is 28'8".

Finding 5 – Off-Street Parking

Minimum required parking spaces are set forth in Table 40.340.010-4. For apartment units, the rate is 1.5 spaces per dwelling unit. Using this formula, a total of 38 parking spaces are required for this development. The revised plan shows the requisite number of parking stalls. With the requirement that layout of the parking area be revised to avoid queuing of vehicular traffic back into NE 49th Street (*See Transportation Finding 3*), it is appropriate to place a condition to ensure continued compliance with this standard (*See Condition A-1-a*).

Accessible parking spaces shall be provided in compliance with the Americans with Disability Act (ADA). Based on 41 parking stalls, the International Building Code (IBC) requires two (2) spaces be designated as handicap accessible with one (1) space being van accessible. The revised plan shows the necessary accessible spaces. Due to revisions required to the parking layout, a condition will be imposed to guarantee the final site plan continues to provide the necessary accessible parking (*See Condition A-1-b*).

Per CCC 40.340.010(A)(10), parking spaces on the perimeter of a parking lot or abutting landscaped areas or sidewalks shall include a wheel stop or curb at least 4 inches high located 3 feet back from the front of the parking space. The front 3 feet of the parking space may be improved with groundcover landscape material, instead of asphalt or concrete pavement. Based on a review of the revised plan [*Exhibit 14, Sheet ST1.1*], it is unclear whether the requirement for wheel stops is being met. A condition will, therefore, be imposed to ensure compliance with this code provision (*See Condition A-1-c*).

Finding 6 – Landscaping

CCC 40.220.020(C)(2)(c)(5) requires that a minimum of twenty percent (20%) of the site be landscaped. Both the revised site plan [*Exhibit 14, Sheet ST1.1*] and the landscape plan [*Exhibit 9*] indicate that approximately thirty-eight percent (38%) of the site is devoted to landscaping. However, it appears this calculation may include landscaping shown within the right-of-way for NE 49th Street. It should be noted that CCC 40.320(C)(6) specifically precludes required landscaping and screening in a public or private right-of-way. The note on the final plan identifying the amount of landscaping being provided shall not include that area within the NE 49th Street right-of-way (*See Condition A-2-b*).

CCC 40.320.010(D)(2) specifies that rooftop and ground-level exterior equipment shall be screened from an abutting property used or zoned for residential uses or from an public road right-of-way to at least an F2 or L3 standard. Based on the submitted building elevations [*Exhibit 11, Sheets A2.1 and A2.2*], it does not appear that there will be any roof equipment associated with the proposed development. It is unknown at this time, however, whether or not there will be any ground equipment. A condition will,

therefore, be imposed to ensure all exterior equipment is screened to meet this requirement (*See Condition A-2-c*).

Parking areas that contain at least seven (7) spaces shall contain landscape islands equally distributed at a ratio of one (1) island for every seven (7) parking spaces. A landscape island shall contain at least twenty-five (25) square feet, shall be at least four (4) feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb. At least one (1) tree shall be planted in each landscape island. Trees in landscape islands shall reach a mature height of thirty (30) feet or more, cast moderate to dense shade in the summer and live at least sixty (60) years, require little maintenance and be suited for use in the proposed location. The submitted landscape plan [*Exhibit 9*] shows the prerequisite number of parking islands and plantings.

Finding 7 – Landscape Buffers

In accordance with Table 40.320.010-1, the following perimeter landscaping scheme is required:

North: L2 landscaped 10-foot buffer
East: L3 landscaped 5-foot buffer
West: L1 landscaped 5-foot buffer
South: L1 landscaped 5-foot buffer

The L1 standard consists principally of groundcover plants; trees and high and low shrubs also are required. Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees. Where the area to be landscaped is less than ten (10) feet deep, one (1) tree shall be provided per thirty (30) linear feet of landscaped area.

The L2 standard requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. A three (3) foot high masonry wall or fence at an F2 standard or a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

The L3 standard requires enough high shrubs to form a screen six (6) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6) foot high wall or fence that complies with an F1 or F2 standard with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required.

Based on scale, the landscape plan [*Exhibit 9*] shows a 7-foot buffer along the north property line. Given length of this frontage, five (5) trees are required in this buffer

area. The submitted landscape plan does not show the prerequisite number of trees. These deficiencies shall be corrected on the final landscape plan (*See Condition A-2-d*). As noted in Land Use Finding 6 above, trees and plant materials shown within the right-of-way for NE 49th Street cannot be used to satisfy landscape buffer requirements.

The submitted plan calls for a 5-foot landscape buffer along the southern property line. Based on length of this boundary, one (1) additional tree is required (*See Condition A-2-e*).

The revised site plan shows a vehicular maneuvering area encroaching into the required landscape buffer along west property boundary. This arrangement is not acceptable and must be corrected on both the final site plan (*See Condition A-1-d*) and the final landscape plan (*See Condition A-2-f*).

The applicant shall install landscaping and the irrigation according to the approved landscape plan prior to being issued an occupancy permit for any of the buildings. A letter from a licensed landscape architect must be provided which verified that the required landscaping has been installed in compliance with the approved landscape plan (*See Condition F-1*).

Finding 8 – Recreation Space

Pursuant to CCC Section 40.260.150, multi-family developments containing twelve (12) or more residential units are required to provide recreation area. The required area includes:

- Each ground-level residential living unit shall have an outdoor private area containing at least forty-eight (48) square feet and a width of at least four (4) feet. Such outdoor areas shall be screened from other residential units, abutting land uses, and public or private streets to the extent practicable;
- Usable recreation space shall be provided in residential development for the shared or common use of all residents in the following amounts: Studio size up to and including two-bedroom units, two hundred (200) square feet per unit; and for three or more bedroom units, three hundred (300) square feet per unit.

The revised site plan [*Exhibit 14*], building elevations [*Exhibit 11, Sheets A2.1 and A2.2*], and unit plans [*Exhibit 11, Sheets A1.1 and A1.2*] show the necessary outdoor private areas for each individual apartment unit.

The applicant is proposing to construct seventeen (17) 2-bedroom units and eight (8) 3-bedroom apartments. Based on the above formula, 5,800 square feet of usable recreation space is required for this development. The revised site plan identifies a 1,042 square foot recreation room with an additional 4,933 square feet of outdoor common recreation area for a total of 5,975 square feet.

By definition, recreation space means “an area that shall be improved for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.” The submitted application materials do not indicate what amenities will be provided within the designated recreation areas. This will need to be corrected on the final site plan (*See Condition A-1-e*). In addition, these areas will need to be ADA accessible (*See Building Safety Finding 6*).

Finding 9 – Pedestrian Routes

CCC 40.220.020(C)(7) specifies that in the R-18 zone safe pedestrian routes, including sidewalks and other planning features, shall be provided for students who only walk to and from school.

At the present time, students residing within this development will attend Truman Elementary School, Gaiser Middle School and Fort Vancouver High School. A letter from Vancouver School District indicates these students will be bussed to school.

Finding 10 – Solid Waste and Recycling Standards

New multi-family residential buildings which contain five (5) or more units shall meet the requirements of CCC 40.360.020. Specifically, multi-unit residential buildings containing five (5) to ten (10) units shall provide a minimum storage area of fifty (50) square feet. Buildings containing more than ten (10) residential units shall provide an additional five (5) square feet per unit for each unit above ten (10).

Using the above formulas, the development is required to provide 130 square feet of solid waste storage area. The trash enclosure shown on the revised site plan [*Exhibit 14*] meets this requirement.

Provisions of CCC 40.360.030(B)(3) require exterior storage areas to be enclosed by a screen to at least an F2 standard. A fence or wall that complies with the F2 standard shall be 6 feet high and 100% sight obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. This shall not include chain link fences with slats or similar construction. The submitted plans, however, do not include specifications on the trash enclosure. A condition will, therefore, be imposed to ensure compliance with this requirement is satisfied (*See Condition A-1-f*).

Finding 14– Existing Residence

It is the applicant’s intention to remove the existing residence from the premises prior to construction of the apartment complex. A condition will be imposed to ensure this building is removed, with the necessary permits (*See Condition B-2*). As part of the demolition permit, compliance with all applicable asbestos inspection and control regulation in accordance with procedures of the Southwest Clean Air Agency is required.

Conclusion (Land Use): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

ARCHAEOLOGY:

Finding 1 – Historic and Cultural Preservation

The entire site is located within a low to (0 – 20 percent) probability area for discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. Therefore, an archaeological predetermination was not required as part of the application submittal packet. However, a condition will be imposed that in the event any cultural resources are discovered in the course of undertaking development activity for this project, the Office of Archaeology and Historic Preservation and Clark County Community Development shall be notified (*See Condition A-1-g*).

Conclusion (Archaeology): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets archaeology requirements of the Clark County Code.

DEPARTMENT OF ECOLOGY:

Finding 1 – Solid Waste

The Washington Department of Ecology (DOE) submitted a letter, dated January 9, 2009 [*Exhibit 6*]. This written correspondence notes that “in addition to any required asbestos abatement procedures, the applicant should ensure that any other potentially dangerous or hazardous materials present such as PCB-containing lamp ballasts, fluorescent lamps, and wall thermostats containing mercury, are removed prior to demolition. It is important that these materials and wastes are removed and appropriately managed prior to demolition. It is equally important that demolition debris is also safely managed, especially if it contains painted wood or concrete, treated wood, or other possibly dangerous materials.” It is suggested the applicant contact Rob Rieck of Ecology’s Hazardous Waste and Toxic Reduction Program at (360) 407-6751 for more information about safely handling dangerous wastes and demolition debris.

The DOE letter advises that “if greater than 250 cubic yards of inert, demolition, and/or wood waste is used as fill material, a solid waste handling permit is required from the local jurisdictional health department. Standards apply as defined by Washington Administrative Code (WAC) 173-350-990-Criteria for Inert Waste.”

DOE notes that the SEPA checklist indicates that approximately 40 – 50 percent of the development site will be covered with impervious surfaces. To mitigate the impact of the impervious surfaces, DOE encourages the applicant to utilize an alternative pervious pavement option as recommended in the Low Impact Development Technical Manual.

DOE also encourages the applicant to utilize construction techniques referenced by Built Green Washington. It is noted that “achieving any of the various levels of Built Green certification indicates a comprehensive effort to reduce overall environmental

impacts from building construction and operation, and can be attractive to potential buyers.” For assistance on incorporating green building techniques and sustainable building materials in the project, the applicant should contact Anya Caudill at (360) 407-6084.

The applicant has been provided with a copy of the DOE letter and is encouraged to incorporate the Departments recommendations in this regard.

Finding 2 – Toxic Clean-up

The DOE letter advises that “if environmental contamination is discovered on the site it must be reported to Ecology’s Southwest Regional Office.” A condition is warranted requiring the developers to be alert for contamination during construction, and to notify the DOE if contamination is discovered (*See Condition B-3*).

Finding 3 – Water Resources

The applicant is responsible for inspecting the site to determine the location all existing wells. Any unused wells must be properly decommissioned and decommissioning reports submitted to Ecology as described in WAC 173-160-381. This includes resource protection wells and any dewatering wells installed during the construction phase of the project (*See Condition A-3*).

TRANSPORTATION:

Finding 1 – Circulation Plan

The proposal does not meet the cross-circulation standards for maximum block length and block perimeter length in compliance with CCC 40.350.030(B)(2). The applicant has submitted a road modification to obtain relief from these standards. (*See Transportation Finding 4*)

Finding 2 – Frontage Road

NE 49th Street is classified as a neighborhood circulator. The proposed improvements along NE 49th Street, as shown on the preliminary plat, comply with dimensional requirements for an urban neighborhood circulator as shown on Drawing #13.

Finding 3 – Access

The applicant proposes driveway access onto NE 49th Street. The proposed driveway is not aligned with the existing NE 38th Avenue to the north which may pose a safety issue due to turning conflicts and sight distance limitations. The applicant is encouraged to pursue opportunities for a joint driveway to be shared by this development and the property to the west (*See Condition A-4-a*). Furthermore, vehicles backing out of parking stalls on the north portion of the parking area may block the entrance to the apartment complex; thereby causing queuing of vehicular traffic back into NE 49th Street which may also result in rear-end collisions. This situation will need to be corrected on the final site plan (*See Condition A-4-b*).

Finding 4 – Road Modifications

The applicant has requested relief from cross-circulation requirements. The applicant believes the financial impact coupled with the reduced number of apartment units would be a burden out of proportion with respect to the project's impact. See applicant's complete road modification application for entire discussion supporting this request [Exhibit 17].

Staff concurs with the applicant that extension of a public road through the site for the purpose of providing cross-circulation would result in an unusual hardship on the applicant as the required right-of-way dedication and improvements are determined to be disproportional to the impacts created by this development. The requested road modification has been approved as it complies with the approval criterion CCC 40.550.010(A)(1)(d). See Road Modification Memo [Exhibit 18] for detailed analysis of this request.

Conclusion (Transportation): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY (CITY OF VANCOUVER)

Finding 1 – Inter-local Agreement

As part of the inter-local government agreement signed with the County on July 21, 1998, City of Vancouver Concurrency staff has reviewed the proposed 25 unit residential apartment complex. The applicant is required to meet the standards established in the inter-local agreement, VMC 119.5, and VMC 11.90 for corridors and intersections of regional significance.

Finding 2 – Trip Generation

One existing single-family residence will be removed from the site. The applicant's traffic analysis has estimated the net weekday AM peak hour generation at 12 trips, the net PM peak hour trip generation at 14 trips, and net ADT trip generation at 158 trips.

Finding 3 – City Concurrency Corridors

The project is located within the following Transportation Management Zone (TMZ) and Transportation Analysis Zone (TAZ):

TMZ Corridor Name	Corridor Limit	Number of PM Peak Trips to Corridor	TAZ
St. James/St. Johns Road	Fourth Plain Blvd. to 78 th Street	13	#196

The project will not send trips to any TMZ corridor that the project is not located within.

The listed corridor is not currently modeled by the City and, therefore, trips entering the corridor do not trigger the requirement for payment of model maintenance fees.

Finding 4 – NE St. Johns Road/NE 68th Street Intersection

The proposed development will add 3 total PM peak trips to this intersection. Based on City records, the intersection has critical movements that are over capacity and, therefore, does not have capacity to accommodate additional trips generated by this development without improvement to the intersection. A reasonable mitigation measure necessary to address the adverse transportation impact of the proposed development would be for the applicant to pay a proportionate share toward improving this intersection. Based on preliminary cost estimates of rates (\$1,000.00 per PM peak trip), the applicant's proportionate share is \$3,000.00. The proportionate share is due prior to final construction plan approval. Payment shall be made to the City at 4400 NE 77th Avenue, Development Review Services, Permit Counter using TIA2009-00005. Evidence of payment shall be submitted to the County prior to final site plan (See *Condition A-6-a.*)

Finding 5 – Traffic Study Review Reimbursement

The City incurs a cost for evaluating impacts of the proposed development on its transportation system. The current traffic review fee is \$288.36. The applicant shall reimburse the City for these costs. Payment shall be made to the City at 4400 NE 77th Avenue, Development Review Services, Permit Counter using TIA2009-00005. Said reimbursement shall occur prior to final construction plan approval. Evidence of this payment shall be submitted to the County prior to final site plan (See *Condition A-6-b.*)

Conclusion (City Transportation Concurrency): Upon review of the traffic impacts, and with imposition of conditions identified above for mitigating adverse impacts, the proposed development complies with the inter-local agreement, VMC 11.95, and VMC 11.90 for corridors and intersections of regional significance.

STORMWATER:

Finding 1 – Applicability

The project will create more than 2,000 square feet of new impervious surface, and is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

Finding 2 – Stormwater Proposal

The project proposes to achieve the required stormwater quality and quantity control via a water quality swale and a detention pond in the northeast corner of the property. The preliminary stormwater design report indicates that the proposed biofiltration swale will be designed to treat 70% of the runoff from pollution-generating surfaces due to 2-year, 24-hour design storms, as required.

The project, as required, proposes to limit the runoff release rate at peak rates equal to one-half of the pre-developed 2-year, 24-hour storm peak runoff rate; and not exceeding 10-year and 100-year pre-developed runoff rates. The preliminary stormwater plan

indicates that the allowable runoff will be released into an existing conveyance system in NE 49th Street.

The stormwater facilities are proposed to be privately owned and maintained.

Finding 3 – Site Conditions and Stormwater Issues:

Approximately one-half of the site, with a ridge in the middle, is sloped to the north and the other half is sloped to the south. The stormwater plan proposes to convey the post-development runoff from the entire site to a detention pond in the northeast corner of the site and then to the conveyance system in NE 49th Street. The release rates into the offsite system shall not exceed the pre-developed flow rates for the northern portion of the site, which drained to this system prior to the development. This means that the detention system must be enlarged to detain additional runoff from the southern portion of the site (*See Condition A-7-a*).

The preliminary stormwater report indicates that an overflow will be provided to discharge the excess runoff from the detention facilities into a stormwater conveyance system in NE 49th Street. Based on the available information, this system consisting of a series of drywells, conveyance pipes, and private storm system appears to be a closed system. The applicant is responsible for analyzing this system to show that additional volume of runoff from the developed site will have no impact on the downstream conveyance systems and offsite stormwater facilities (*See Condition A-7-b*).

In compliance with Section CCC 40.380.040(B)(2), all development activities required to prepare a final stormwater control plan shall conduct an analysis of off-site water quality impacts resulting from the development activities and shall mitigate their impacts. This project will be required to perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development (*See Condition A-7-c*).

In accordance with CCC 40.380.040(B)(7)(b)(2), multifamily residential development activities creating parking spaces for twenty-five (25) or more vehicles shall install spill control (SC) type oil/water separators (*See Condition A-7-d*).

The applicant proposes to construct retaining walls around a portion of the proposed stormwater pond. Retaining walls greater than 4 feet tall and walls with surcharge will require a building permit. All retaining walls shall be shown in sufficient detail on the engineering plans for the review staff to assess their impact on adjacent roads, structures, and public and private utilities (*See Condition A-7-e*).

Conclusion (Stormwater): Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (*See Condition E-2*).

Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 1,500 gpm. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction (*See Condition E-3-a*). Fire flow is based upon an 18,530 sq. ft. type V-B constructed building with an approved fire sprinkler system installed.

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads (*See Condition A-9-a*). The local fire district chief, however, approves the exact location of fire hydrants. The applicant shall contact Fire District 5 at (360) 892-4323 to arrange for approval of hydrant location (*See Condition A-9-b*).

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection (*See Condition A-9-c*). In addition, the applicant shall provide and maintain a three-foot clear space around the circumference of all fire hydrants (*See Condition A-9-d*).

Finding 5 – Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. The applicant shall ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet to within 150 feet of all exterior walls (*See Condition A-9-e*). Roadways shall be an all weather driving surface and capable of supporting the imposed loads of fire apparatus (*See Condition A-9-f*).

Finding 6 – Sprinkler Systems

An automatic fire sprinkler is required at the time of construction for buildings subject to this application (*See Condition E-3-b*). Such systems require separate reviews, permits and approvals issued by the Fire Marshal's office.

Buildings with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of an approved fire department connections to the sprinkler system (*See Condition A-9-g*).

Finding 7 – Alarm System

An approved fire alarm system is required at the time of construction for buildings in subject to this application (*See Condition E-3-c*). Such systems require separate reviews, permits and approvals issued by the fire marshal's office.

Finding 8 – Fire Department Connections

Fire department connections (FDC) shall be located remote from the building a distance equal to the height of the building at the FDC (*See Condition A-9-i*).

Conclusion (Fire Protection): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets fire protection requirements of the Clark County Code.

BUILDING SAFETY:

Finding 1 – Detectable Warning

A standardized surface feature, built in or applied to walking surfaces or other elements, is required to warn visually impaired persons of hazards on a circulation path in order to comply with the Americans with Disability Act (ADA). Therefore, accessible routes or circulation paths within the development site that are flush and adjacent to a parking lot shall have a detectable warning for the full length of the flush portions. As an alternative, raised paths and routes can be provided with curb ramps and detectable warnings. The submitted plans do not provide sufficient information to determine compliance with this requirement. The final site plan shall be revised to correct this oversight (*See Condition A-10-a*).

Finding 2 – Accessible Space Identification

Where accessible spaces are required to be identified by signs, said signs shall include the International Symbol of Accessibility complying with Section 703.6.3.1 of the American National Standards Institute (ANSI). Furthermore, signs identifying van parking spaces shall contain the designation "van accessible." Such signs shall be 60 inches (1525 mm) minimum above the floor of the parking space, measured to the bottom of the sign. In addition, all interior and exterior signs depicting the International Symbol of Accessibility shall be white on a blue background.

The submitted site plan indicates use of the International Symbol within ADA parking spaces. The final site plan shall show sufficient detail to determine compliance with ANSI Section 703.6.3.1 (*See Condition A-10-b*).

Finding 3 – Building Construction

Corridors shall be fire-resistance rated as required by Table 1017.1 of the International Building Code (IBC). The corridor walls are also required to be fire-resistance rated shall comply with Section 708 for fire partitions.

Based on the submitted site plan, it appears that building plans will utilize the corridor concept for egress. Occupant loads from two units is 12 and 13 respectfully. Thus, corridors shall be provided at one-hour construction. However, with sprinklers the corridors may be of ½-hour construction (*See Condition E-4-a*).

Finding 4 – Reduced Vertical Clearance

Guardrails or other barriers shall be provided where object protrusion is beyond the limits allowed by ANSI A-117 Sections 307.2 and 307.3, and where the vertical clearance is less than 80 inches (2030 mm) above the floor. The leading edge of such guardrail or barrier shall be 27 inches (685 mm) maximum above the floor. The submitted building plans shall provide barriers for vertical clearances at stairs (*See Condition E-4-b*).

Finding 5 – Automatic Sprinkler System Increase

Where a building is equipped throughout with an approved automatic sprinkler system in accordance with IBC Section 903.3.1.1, the area limitation in Table 503 is permitted to be increased by an additional 200 percent ($I_s = 2$) for buildings with more than one story above grade plane and an additional 300 percent ($I_s = 3$) for buildings with no more than one story above grade plane. These increases are permitted in addition to the height and story increases in accordance with Section 504.2. Based on a preliminary review of the proposed building areas shown on the submitted site plan, it appears Building B will need NFPA 13 type sprinklers for area increase to meet size proposed. NFPA13R type sprinklers are not allowed for area increase (*See Condition E-4-c*).

Finding 6 – Other Occupancies

All recreational and sports facilities not falling within the purview of IBC Sections 1109.14.1 or 1109.14.2 shall be accessible. The submitted site plan shows common recreational areas. These areas shall be accessible. This may include, but is not limited to, picnic tables, benches, play structures, etc. (*See Condition A-1-e*).

Finding 7 – Height of Protective Barriers

Guardrails shall form a protective barrier not less than 42 inches (1067 mm) high, measured vertically above the leading edge of the tread, adjacent walking surface or adjacent seat board. All guardrails around raised exterior balconies shall be not less than 42-inches (*See Condition E-4-d*).

Finding 8 – Open Risers

Per IBC 504.3, open risers are not be permitted. Exterior stairs shall not have open risers *(See Condition E-4-e)*.

Finding 9 – Handrail Extensions

In accordance with IBC 505.1, handrails must extend beyond, and in the same direction of, stair flights and ramp runs. The building plans shall show handrails provided on both sides of stairs. In addition, one side shall have required extensions at top and bottom *(See Condition E-4-f)*.

Finding 10 – Illumination

Section 1006.1 of the IBC requires the means of egress, including the exit discharge, be illuminated at all times the building space served by the means of egress is occupied. The preliminary site plan does not show egress illumination along egress path at corridor stairs. This deficiency shall be corrected on construction plans submitted for building permits *(See Condition E-4-g)*.

Finding 11 – Wall Assemblies

The following wall assemblies shall comply with IBC Section 708.1:

1. Walls separating dwelling units in the same building.
2. Walls separating sleeping units in occupancies in Group R-1 hotel, R-2 and I-1 occupancies.

Each unit shall have a fire resistive fire partition between them and shall extend up to roof deck or to a rated roof/ceiling assembly and to the floor deck or a floor/ceiling assembly. Each unit shall be separated horizontally from upper to lower with rated floor ceiling assembly *(See Condition E-4-h)*.

Conclusion (Building Safety): Staff finds that the proposed preliminary site plan, subject to conditions identified above, meets requirements of the Clark County Code. Complete review of construction plans will occur at the time of building permit application.

UTILITIES

Finding 1 – Water and Sewer

This development is required to connect to public water and sewer. The site will be served by the City of Vancouver for both water and sanitary sewer service. The applicant has submitted a current utility review from these agencies confirming that services are available to the site.

Prior to occupancy of the buildings, the applicant will be required to document that service connections to said building has been approved by the purveyors *(See Condition F-2)*.

Finding 2 – Health Department

Submittal of a “Health Department Evaluation Letter” is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable “Health Department Final Approval Letter” must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department. (*See Condition A-11*).

Conclusion (Utilities): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 1 – Traffic Impact Fees

The proposed development will have an additional affect on traffic in the area, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610. The site is located in the South Orchards TIF Sub-area with a fee rate of \$404.00 per new trip for a rate of \$2,276.74 per apartment dwelling unit. The TIF is calculated as follows:

\$20,490.68 Building A – 9 apartment dwelling units
36,427.87 Building B – 16 apartment dwelling units
- 3,286.34 Credit for existing single-family dwelling
\$53,632.21 Total TIF

Finding 2 – Park Impact Fees

The development site is located in Park District 7 which has an impact fee rate of \$1,377.00 (\$1,056.00 for acquisition and \$321.00 for development) per apartment dwelling unit. Park Impact Fees (PIF) are calculated as follows:

\$12,393.00 Building A – 9 apartment dwelling units
22,032.00 Building B – 16 apartment dwelling units
- 1,885.00 Credit for existing single-family dwelling
\$32,540.00 Total PIF

Finding 3 – School Impact Fees

The project is located within the Vancouver School District with an impact fee of \$1,421.00 per apartment dwelling unit. School Impact Fees (SIF) are calculated as follows:

\$12,789.00 Building A – 9 apartment dwelling units
22,736.00 Building B – 16 apartment dwelling units
- 1,112.00 Credit for existing single-family dwelling
\$34,413.00 Total SIF

Finding 4 – Payment of Impact Fees

Impact fees shall be paid prior to issuance of building permits for each building (*See Condition E-5*). If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- DS = Determination of Significance **(The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- MDNS = Mitigated Determination of Non-Significance **(The impacts can be addressed through conditions of approval); or,**
- DNS = Determination of Non-Significance **(The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on December 26, 2008 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$203**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Planner – Vicki Kirsher, (360) 397-2375, ext. 4178
Team Leader – Travis Goddard, (360) 397-2375, ext. 4180

Responsible Official: Michael V. Butts, Development Services Manager

DECISION

Based upon the revised preliminary plan [*Exhibit 14, Sheet ST1.1*], and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A Final Construction/Site Plan Review **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Site Plan - The applicant shall submit and obtain County approval of a final site plan in conformance to CCC 40.350 and the following conditions of approval:

- a. The final site plan shall show parking provided at a rate of 1.5 spaces per dwelling unit. *(See Land Use Finding 5)*
- b. For 26 – 50 parking spaces, the International Building Code (IBC) requires two (2) spaces be designated as handicap accessible with one (1) space being van accessible. *(See Land Use Finding 5)*
- c. The final site plan shall show parking spaces in compliance with wheel stop provisions of CCC 40.340.010(E). *(See Land Use Finding 5)*
- d. The vehicular maneuvering area shall not encroach into the required landscape buffer located along the western property line. *(See Land Use Finding 7)*
- e. The applicant shall submit for the project planner's review, a plan identifying the amenities that will be provided within designated common recreation areas. These plans shall contain sufficient detail for Building Safety staff to review for accessibility requirements. *(See Land Use Finding 8 and Building Safety Finding 6)*
- f. Plans showing sufficient detail to determine compliance with the requirement that the exterior storage area be enclosed by a screen to at least an F2 standard for the trash enclosure shall be submitted. *(See Land Use Finding 13)*
- g. Archaeology - A note shall be placed on the face of the final site plan as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-2 Final Landscape Plan - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below.

- a. As noted on the approved landscape plan *[Exhibit 9]*, a 6-foot fence meeting the F2 standard shall be constructed along the east, west, and south side of the development. *(See Staff Response to Public Comment Letter from Sue Green)*

- b. The note on the final plan identifying the amount of landscaping being provided on the development site shall not include that area within the NE 49th Street right-of-way. *(See Land Use Finding 6)*
- c. In accordance with CCC 40.320.010(D)(2), ground-level exterior equipment shall be screened from an abutting residential property or public road right-of-way to at least an F2 or L3 standard if visible at grade from the said property or right-of-way. *(See Land Use Finding 6)*
- d. The final landscape plan shall show a minimum of five (5) trees planted in a 10-foot buffer along the north property line. *(See Land Use Finding 7)*
- e. The final landscape plan shall show one (1) additional tree planted in the landscape buffer along the southern property boundary. *(See Land Use Finding 7)*
- f. The vehicular maneuvering area shall not encroach into the required buffer located along the western property line. This area shall be planted with landscape materials needed to provide a 5-foot buffer planted to the L1 standard. *(See Land Use Finding 7)*

A-3 Department of Ecology - Any unused wells must be properly decommissioned and decommissioning reports submitted to Department of Ecology as described in WAC 173-160-381. This includes resource protection wells and any dewatering wells installed during the construction phase of the project. *(See Department of Ecology Finding 3)*

A-4 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall install the proposed driveway approach in alignment with NE 38th Avenue to the north to avoid turning conflicts, and provide sufficient sight distance in all directions. *(See Transportation Finding 3)*
- b. The proposed parking lot will need to be reconfigured to prevent blocking of the entering vehicles by the vehicles backing out of the parking stalls to the north of the parking area. *(See Transportation Finding 3)*

A-5 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.

- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-6 City Concurrency:

- a. Prior to final engineering construction plan approval, the applicant shall pay the proportionate share of \$3,000.00 for capacity improvements for the intersection of NE St. Johns and NE 68th Street. Payment shall be made to the City at 4400 NE 77th Avenue, Development Review Services, Permit Counter using TIA2009-00005. Evidence of payment shall be submitted to the County prior to final site plan approval. *(See City Transportation Finding 4)*
- b. Prior to final engineering construction plan approval, the applicant shall reimburse the City for the traffic review fee in the amount of \$288.36. Payment shall be made to the City at 4400 NE 77th Avenue, Development Review Services, Permit Counter using TIA2009-00005. Evidence of payment shall be submitted to the County prior to final site plan approval. *(See City Transportation Finding 5)*

A-7 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The release rates into the offsite system shall not exceed the pre-developed flow rates for the northern portion of the site, which drained to this system prior to the development. The detention system must be enlarged to detain additional runoff from the southern portion of the site. *(See Stormwater Finding 3)*
- b. The applicant is responsible for analyzing downstream system to show that additional volume of runoff from the developed site will have no impact on the downstream conveyance systems and offsite stormwater facilities. *(See Stormwater Finding 3)*
- c. Analysis of the off-site water quality impacts extending a minimum of one-fourth of a mile downstream from the development site will be required. *(See Stormwater Finding 3)*
- d. Runoff from the parking lot must be directed to a spill control (SC) type oil/water separators prior to conveyance to water quality swale. *(See Stormwater Finding 3)*
- e. Retaining walls greater than 4 feet tall and walls with surcharge will require

a building permit. All retaining walls shall be shown in sufficient detail on the engineering plans for the review staff to assess their impact on adjacent roads, structures, and public and private utilities. *(See Stormwater Finding 3)*

A-8 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-9 Fire Marshal Requirements:

- a. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. *(See Fire Protection Finding 4)*
- b. Contact Fire District 5 at (360) 892-4323 to arrange approval for exact location of fire hydrants. *(See Fire Protection Finding 4)*
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. *(See Fire Protection Finding 4)*
- d. The applicant shall provide and maintain a three-foot clear space around the circumference of every fire hydrant. *(See Fire Protection Finding 4)*
- e. The applicant shall ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet to within 150 feet of all exterior walls. *(See Fire Protection Finding 5)*
- f. Roadways shall be an all weather driving surface and capable of supporting the imposed loads of fire apparatus. *(See Fire Protection Finding 5)*
- g. Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of an approved fire department connections to the sprinkler system. *(See Fire Protection Finding 6)*
- i. Fire department connections (FDC) shall be located remote from the building a distance equal to the height of the building at the FDC. *(See Fire Protection Finding 8)*

A-10 Building Safety:

- a. Accessible routes or circulation paths within the development site that are flush and adjacent to a parking lot shall have a detectable warning for the full length of the flush portions. As an alternative, raised paths and routes can be provided with curb ramps and detectable warnings. The final site

plan shall contain sufficient detail for Building Safety staff to determine compliance with this requirement. (See Building Safety Finding 1)

- b. The final site plan shall show sufficient detail for Building Safety staff to determine signage identifying accessible parking spaces meets ANSI Section 703.6.3.1 standards. (See Building Safety Finding 2)

A-11 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (See Utilities Finding 2)

A-12 Other Documents Required - The following documents shall be submitted with the Final Construction/Site Plan:

- a. Stormwater Maintenance Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

A-13 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

- B-2** Prior to demolition and/or removal of the existing residence, the applicant shall obtain the necessary permits. Contact Clark County Permit Services for more information. *(See Land Use Finding 14)*
- B-3 Department of Ecology** - The developer shall be alert for possible contamination during construction and shall report any contamination discovered to Department of Ecology's Southwest Regional Office. *(See Department of Ecology Finding 2)*
- B-4 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-5 Erosion Control** - Erosion control facilities shall **not** be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1 None**

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Not Applicable**

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1** The manager's office shall not include a dwelling unit unless one of the other apartment units is eliminated. In no case shall there be more than 25 apartment dwelling units within the development. *(See Land Use Finding 2)*
- E-2** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. *(See Fire Protection Finding 2)*

E-3 Fire Marshal:

- a. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. *(See Fire Protection Finding 3)*
- b. An automatic fire sprinkler is required at the time of building construction. *(See Fire Protection Finding 6)*
- c. An approved fire alarm system is required at the time of building construction. *(See Fire Protection Finding 7)*

E-4 Building Safety - Construction plans shall be submitted for review and approval. Based on preliminary design, the following items shall be addressed on said construction plans:

- a. For occupant loads from two units of 12 and 13, corridors shall be provided at one-hour construction. With sprinklers the corridors may be of ½-hour construction. *(See Building Safety Finding 3)*
- b. Guardrails or other barriers shall be provided where object protrusion is beyond the limits allowed by ANSI A-117 Sections 307.2 and 307.3, and where the vertical clearance is less than 80 inches (2030 mm) above the floor. The leading edge of such guardrail or barrier shall be 27 inches (685 mm) maximum above the floor. *(See Building Safety finding 4)*
- c. Where a building is equipped throughout with an approved automatic sprinkler system in accordance with IBC Section 903.3.1.1, the area limitation in Table 503 is permitted to be increased by an additional 200 percent ($I_s = 2$) for buildings with more than one story above grade plane and an additional 300 percent ($I_s = 3$) for buildings with no more than one story above grade plane. These increases are permitted in addition to the height and story increases in accordance with Section 504.2. *(See Building Safety Finding 5)*
- d. Guardrails shall form a protective barrier not less than 42 inches (1067 mm) high, measured vertically above the leading edge of the tread, adjacent walking surface or adjacent seat board. All guardrails around raised exterior balconies shall be not less than 42-inches. *(See Building Safety Finding 7)*
- e. Per IBC 504.3, open risers are not be permitted. Exterior stairs shall not have open risers. *(See Building Safety Finding 8)*
- f. The building plans shall show handrails provided on both sides of stairs. One side shall have required extensions at top and bottom in accordance with IBC 505.1. *(See Building Safety Finding 9)*

- g. Per Section 1006.1 of the IBC, the means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied. *(See Building Safety Finding 10)*
- h. As required by IBC Section 708.1, each unit shall have a fire resistive fire partition between them and shall extend up to roof deck or to a rated roof/ceiling assembly and to the floor deck or a floor/ceiling assembly. Each unit shall be separated horizontally from upper to lower with rated floor ceiling assembly *(See Building Safety Finding 11)*

E-5 Impact Fees - Prior to issuance of a building permit, the applicant shall pay the following impact fees to the Clark County Building Department based on the number of dwelling units in the building, as follows:

- a. Traffic Impact Fees (TIF) – South Orchards Sub-area:
 - \$20,490.68 Building A – 9 apartment dwelling units
 - 36,427.87 Building B – 16 apartment dwelling units
 - 3,286.34 Credit for existing single-family dwelling
 - \$53,632.21 Total TIF
- b. Park Impact Fees (PIF) – Park District 7:
 - \$12,393.00 Building A – 9 apartment dwelling units
 - 22,032.00 Building B – 16 apartment dwelling units
 - 1,885.00 Credit for existing single-family dwelling
 - \$32,540.00 Total PIF
- c. School Impact Fees (SIF) – Vancouver School District:
 - \$12,789.00 Building A – 9 apartment dwelling units
 - 22,736.00 Building B – 16 apartment dwelling units
 - 1,112.00 Credit for existing single-family dwelling
 - \$34,413.00 Total SIF

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. *(See Impact Fee Finding 4)*

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Landscaping** - Prior to the issuance of an approved of occupancy permit, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant

substitutions are comparable to the approved plantings and suitable for the site.
(See *Land Use Finding 7*)

- F-2** Prior to occupancy of the buildings, the applicant will be required to document that water and sewer service connections to said building has been approved by the City of Vancouver. (See *Utilities Finding 1*)

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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- G-1 Site Plans and Other Land Use Approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G-3 Building and Fire Safety

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

- G-4 Building Elevation Approvals** – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 None

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on March 11, 2009. Therefore any appeal must be received in Permit Services by 4:30 PM, March 25, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$1,166**.

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public hearing to consider the appeal.

Attachments:

- Copy of Revised Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

